



September 15, 2016

BY ECF

The Honorable Katherine Polk Failla
 United States District Court, Southern District of New York
 40 Foley Square
 New York, NY 10007

Re: *American Civil Liberties Union v. Department of Health and Human Services and Centers for Medicare and Medicaid Services*, 16 Civ. 3854 (KPF)

AMERICAN CIVIL LIBERTIES UNION FOUNDATION
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Dear Judge Failla,

I write respectfully on behalf of both parties in accordance with the Court's Notice of Initial Pretrial Conference. An initial pretrial conference is presently scheduled for September 20, 2016 at 3:00 pm. For the reasons discussed below, the parties seek an adjournment of that conference to November 22, 2016, or such other date as may be convenient to the Court. This is the parties' first request for an adjournment of the initial pretrial conference.

The above-referenced action, filed May 24, 2016, is brought by the American Civil Liberties Union ("ACLU") pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The ACLU seeks from the Department of Health and Human Services ("HHS") and the Centers for Medicare and Medicaid Services ("CMMS") (collectively, the "Government") the release of documents relating to complaints against Catholic hospitals for denying appropriate care and information to pregnant women seeking reproductive health care.

The Government and the ACLU have conferred on several occasions to negotiate the completion of production of any responsive, non-exempt documents pursuant to the FOIA. The ACLU and the Government have been engaged in good-faith negotiations regarding the request and are making progress towards a mutually satisfactory resolution. The parties propose to submit a joint status report on November 18, 2016, updating the Court on the progress of their negotiations and notifying the Court whether further litigation in this case is required. In light of the foregoing, the parties



respectfully request that the Court's initial pretrial conference, currently set for September 20, 2016, be rescheduled for November 22, 2016, or such other date as will be convenient to the Court.

I thank the Court for its consideration of this matter.

Respectfully,

American Civil Liberties Union Foundation
Attorneys for Plaintiff

by:

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